AMERICAN MINING CONGRESS

MONTHLY BULLETIN

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American Mining Congress

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STANDING COMMITTEES FOR THE YEAR 1910

At each annual session of the American Mining Congress the principal part of its work for the ensuing year is outlined by resolutions adopted by vote of the delegates. The performance of this work calls for the appointment of a number of standing committees, the members of which are all selected with the idea of securing those best qualified to serve.

These committees prosecute their work between sessions and render reports of their transactions or conclusions at the first ensuing annual session. As a means of facilitating their work the Monthly Bulletin is designed to serve as a medium for the presentation of ideas from the membership generally upon topics in which particular interest is felt. The columns of the Bulletin are open to the committees and the membership for the discussion of any subject relating to mining, and all communications from members should be sent to the Secretary of the Mining Congress, who will direct same to the proper committee in case they are not intended for publication.

Below are the standing committees for the year 1910:

GENERAL REVISION OF MINERAL LAND LAWS.

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WILL L. CLARK, Jerome, Ariz. F. G. TYRRELL, Los Angeles, Cal.
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UNIFORM MINING LAWS.

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ALASKAN MINING LAWS.

HENRY R. HARRIMAN, Seattle, Wash., Chairman.
M. D. LEEHEY, Seattle, Wash. J. L. STEELE, Seattle, Wash.

COAL TAX INSURANCE FUND.

JOHN H. JONES, Pittsburg, Pa., Chairman.
DAVID ROSS, Springfield, Ills. W. R. WOODFORD, Pittsburg, Pa.
J. W. DAWSON, Charleston, W. Va. THOS. L. LEWIS, Indianapolis, Ind.

STANDARIZATION OF ELECTRICAL EQUIPMENT.

In Coal Mines—

SAMUEL A. TAYLOR, Pittsburg, Pa., Chairman.
J. R. BENT, Oglesby, Ills. G. A. SCHREIER, Divernon, Ills.
HARRY M. WARREN, Scranton, Pa. GEO. T. WATSON, Fairmont, W. Va.
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In Metal Mines—

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THE SECRETARY, Chairman.

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TRADE RELATIONS BETWEEN UNITED STATES AND SILVER-USING COUNTRIES.

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HENRY M. WARREN, Scranton, Pa. T. J. VEST, Galena, Kans.
CHARLES SMITH, Baltimore, Md. D. M. RIORDAN, New York, N. Y.

PROGRAM.

J. F. CALLBREATH, Denver, Colo., Chairman.
E. A. MONTGOMERY, Los Angeles, Cal. DR. W. B. PHILLIPS, Austin, Tex.

PROCEEDINGS WANTED

This office has made repeated efforts to secure copies of the Annual Proceedings of the first five sessions of the American Mining Congress, but without success. These reports cover the sessions in Denver in 1897, Salt Lake City in 1898, Milwaukee in 1900, Boise, Idaho, in 1901, and Butte in 1902.

Members who have copies of any of these reports, or who can advise where they may possibly be obtained, will confer a great favor by communicating with this office.

ADDRESSES WANTED

Mail directed to the following members has been returned unclaimed and we would be glad to receive information as to their present respective addresses. Other members will confer a favor by notifying us, in case the information is at hand.

NAME.	LAST ADDRESS GIVEN.
Beck, W. A.	223 Mohawk Blk., Spokane, Wash.
Blockberger, F. R.	Portland, Ore.
Bedell, S. A.	Fenner, Cal.
Boyrie, H. E.	428 N. Y. Blk., Seattle, Wash.
Cardwell, B. A.	354 Arcade Annex, Seattle, Wash.
Davis, Jack	Goldfield, Nev.
Dahl, Henry P.	Cripple Creek, Colo.
Earnest, F. G.	607 Jameson Blk., Spokane, Wash.
Ferguson, N. E.	2940 Howard Blvd., Los Angeles, Cal.
Fredericks, L. G.	Buffalo, Ark.
Godthorpe, Edwin T.	Benton, Wis.
Hull, C. W.	Bisbee, Ariz.
Ish, Marvin E.	Box 58, Goldfield, Nev.
Kennedy, Jno. F.	12-13 P. I. Bldg., Seattle, Wash.
Kennedy, S. D.	Reno, Nev.
Knowles, W. H.	55 Temple Blk., Los Angeles, Cal.
Mann, Fred A.	Joplin, Mo.
McCaffery, Richard S.	316 Herald Bldg., Salt Lake, Utah.
McDonald, J. R.	Rhyolite, Nev.
McMullan, Jno.	Goldfield, Nev.
Miller, W. A.	17 Bank Blk., Denver, Colo.
Mullen, R. G.	Orogrande, N. M.
Newsander, Sam	607 Jamison Blk., Spokane, Wash.
Phillips, S. B.	Sandpoint, Idaho.
Remington, W. H.	228 Epler Blk., Seattle, Wash.
Roberts, Wm.	Shultz, via Tucson, Ariz.
Samuel, R. L.	Cananea, Sonora, Mex.
Schrock, J. B.	611 Fernwell Bldg., Spokane, Wash.
Tibbetts, Col. O. A.	Salt Lake City, Utah.
Tracy, T. H.	Hotel Alexandria, Los Angeles, Cal.
Woodson, Frank A.	Globe, Ariz.
Worthen, B. L.	Shirley Hotel, Denver, Colo.

LOS ANGELES MEETING

Six days should be marked in red on your calendar, for this fall. They are Sept. 26, 27, 28, 29 and 30, and Oct. 1, the days on which the Mining Congress will be in annual session in Los Angeles.

Annual sessions are held for several purposes:

First—To formulate those problems which confront the mining industry, and which are of sufficient importance to demand the attention of the mining world in their solution.

Second—To draw out discussion of these problems and the ideas of mining men of standing and knowledge, thereon.

Third—To decide the policy of the mining men's organization—the Mining Congress—towards these questions.

Fourth—To decide in what manner action should be directed towards their solution.

Fifth—To bring mining men together for a mutual interchange of ideas, enlarge and renew acquaintance, promote social fellowship, etc.

Sixth—To have an active, working organization of influence, which can speak with authority on these matters.

Practically and politically, *Mining* demands organization as do other industries. The Mining Congress is the only organization of national scope devoted to the practical end of mining. We have our scientific, technical and professional mining societies—all of great importance in the dissemination of scientific and technical lore; we must have also the practical end organized to promote the general interests of the industry.

The Mining Congress provides for discussions upon topics which are without the province of the technical societies, and are not ordinarily considered by them; to an extent they are political, altogether they are practical. Specifically, its province is AGITATION, by education, argument, demand.

At the Los Angeles meeting, an array of problems will be presented for discussion, which are vital to the welfare of the industry. All enterprising mining men must surely feel a deep interest in them. There are many who are cherishing individual opinions on these questions which the mining world should know, and which may be utilized with profit. Candles should not be placed under bushels. In the columns of the *Bulletin* will be published many questions on which comment is desired. Committees are now working upon many such problems and they would like your assistance in handling them. Their reports, to be presented at the Los Angeles meeting, will contain much food for reflection, and the question of their adoption will call for the exercise of the most intelligent judgment of the mining world.

The industries of the nation advance through just such steps. In the solution of these problems you CAN help if you WILL. and you MAY help if you WISH.

Co-Operation of Oil Men.

California now ranks first in the production of petroleum and it is with pleasure that we learn that the many oil operators will give their strength and influence, and their moral and financial support, to this organization. We were materially strengthened a few years ago by the co-operation of the Eastern coal and iron interests. The oil interests of the West will now add further strength. At the Los Angeles meeting an opportunity will be given all delegates to view, under the most favorable circumstances, the immense oil resources of California.

Every reason exists why you should attend this meeting; there is no valid excuse for your not attending, excepting such as may be approved by your own conscience after you have given the matter every consideration.

Come to Los Angeles on Sept. 26th, and spend a useful and interesting week in that city!

APPROPRIATIONS FOR THE BUREAU OF MINES

The appropriations for the first year's maintenance of the Bureau of Mines are $502,200.

It was hoped that supervision of the work of investigating structural materials, with appropriations therefor, could be retained for the Bureau of Mines, where it clearly belongs, but it seems that Congress has taken adverse action in this matter and has placed it within the Bureau of Standards.

Altogether, mining men may well feel satisfied with the results of the year's campaign. In a fight against odds the wedge has entered. The Bureau must now be organized, its work directed and some growth attained before larger appropriations can be expected or additional lines of work mapped out. Under a competent directorship the Bureau will easily justify its creation and support, so that it will certainly lead not only to increased appropriations but to an extension of the work as well.

Under the organic act creating the Bureau authority is conferred to undertake any investigative research or inquiry work which is for the welfare and benefit of any of the mining industries. This is liberal enough. But the appropriations bill for this year limits its scope of operations to those things for which specific appropriations have been made.

It is true that the coal mining interests will come in for the greater share of the attention of the Bureau this year, but it is, perhaps, also true that the immediate need there is most urgent. Humanity will countenance no avoidable delay in adopting measures to prevent the undue loss of life among mine workers, and all mining men will approve of the initial effort of the new mining Bureau being spent in this direction.

But metal mining interests must continue their efforts to get increased government assistance in the solution of all their problems—those which are beyond the limitations of private enterprise—and efforts to secure the same should be continued at the next session of the National Congress.

DIRECTOR OF BUREAU OF MINES

Mr. George Otis Smith has been appointed Acting Director of the Bureau of Mines by President Taft pending the selection of a permanent Director, which is now under advisement by the President.

Mr. Smith will continue as Director of the Geological Survey, filling both places for the time being. Dr. Joseph A. Holmes, as present head of the Technologic Branch, will probably remain in charge of this work, which is now being transferred to the Bureau of Mines.

THE DIRECTORSHIP OF THE BUREAU OF MINES

[*From the Engineering and Mining Journal of June 18.*]

The delay in nominating a Director for the recently created Bureau of Mines is due to the contest among several candidates for this position. In this contest political considerations have, unfortunately, entered.

The leading officials of the Geological Survey have been playing an active part with respect to the nomination of the head of the new Bureau and have engaged in measures in connection therewith that are hardly proper from a scientific organization. In this the Geological Survey is not only defying the expression of many of the best opinions in the mining profession, but also is committing a mistake that will do a great deal to alienate many mining men who have always been warm friends of the Survey.

Without reference to any special candidate, we say emphatically to the President and to Secretary Ballinger that the mining industry demands that in making the appointment to this position all political considerations be dismissed. The new Bureau should enter upon its duties uncontaminated by any poison of politics, and if the leading officials of the Geological Survey have been animated by political considerations they should be promptly reprimanded. If the administration and the bureaucracy has any doubt about the temper of the mining industry in this matter they will soon learn.

COMMITTEE WORK

The following telegram from Mr. E. B. Kirby, chairman of the Committee on General Revision of Mineral Land Laws, was sent to Washington after the Secretary had returned to Denver and, therefore, did not receive the requested attention. The telegram, with the accompanying statement, will indicate the work as outlined by the committee. Comments and suggestions will be welcomed for the guidance of the committee in its work.

Telegram.

San Francisco, June 13th, 1910.

J. F. Callbreath, Secretary,
American Mining Congress,
R. 8, No. 1416 F Street, Washington, D. C.:

Committee recommends that our President ask Congress to undertake promptly a general revision of the mineral land laws which, in view of the difficult problems presented, should be in co-operation with the mining industry. Plan adopted should give all sections opportunity for public hearing and discussion of remedies. Mining Congress will suggest a practical plan later on if desired.

I urge strenuous effort to secure immediate action. Try have Congress empower a committee to formulate revision plan so we can confer with it over details before our convention. Administration may recognize political advantage in putting this through before adjournment.

E. B. KIRBY.

Memorandum on the General Revision of the Mineral Land Laws.

The mineral land laws of the United States and Alaska, framed in 1872 and interwoven with a mass of supplementary state legislation differing in every state, fail to meet the present requirements of the industry. Moreover, they have developed evils, the injurious effects of which are steadily increasing. These have become so serious as to create dissatisfaction and complaint everywhere, and

a general revision for the purpose of affording relief will be welcomed and supported by all the mining communities.

Out of the numerous evils due to the present code, those most generally recognized are the monopolization of valuable mineral land and the speculative holding of such land without utilization and to the exclusion of prospectors and miners. Among the many points which will come up for consideration during a general revision may be mentioned the following:

First—The apex law, with the uncertainties of title and litigation caused by it. These include not only the conflicts due to the extralateral right, but also those occasioned by the consequent shapes of claims and overlapping of lines.

Second—The present non-enforcement of the law of discovery.

Third—The partial or complete evasion, by various expedients, of the law of assessment.

Fourth—A clear, definite procedure for acquiring rights to those mineral claims on which discovery must, from the nature of the deposit, be long deferred.

Fifth—The problem of tunnel locations and the uncertainties of title caused in the neighboring claims.

Sixth—The location of an unlimited number of claims by one individual.

Seventh—Locations by proxy.

THE AMERICAN MINING CONGRESS

The American Mining Congress is a voluntary association, supported entirely by the dues and fees of its members. It is striving to bring about:

First—Safety in mining operations.

Second—Intelligent conservation with a view to the highest development of our mineral resources.

Third—The stimulation of investment in practical mining operations by showing that mining is a legitimate business, promising, when intelligently conducted, larger profits with less risk than any other business.

Fourth—Uniformity in state laws governing mining operations carried on under like conditions.

Fifth—Such federal co-operation through research and investigation as will furnish the basis for intelligent state legislation, and will solve those problems of economical production, treatment and transportation which are essential to an increase in mineral production.

To accomplish these purposes it has been active in the campaign which resulted in the establishment of a National Bureau of Mines and in securing appropriations for investigating the causes of mine accidents; in securing the enactment of the so-called *"Pardee Law"* for the protection of mining investors; in educating the public to the needs and advantages of greater uniformity of the laws governing mining operations.

Last year the Mining Congress assisted in organizing the campaign which resulted in placing a duty of one cent per pound on imported zinc ores and in preventing a reduction of duties upon imported lead ores. This result was vital to the mining industry of the West.

The American Mining Congress has been instrumental in bringing about these things through the education, agitation and organization of the forces which have accomplished these results.

The work is but begun. The importance of its completion must appeal to everyone interested in the welfare of the country. We need the support, financial and moral, of a majority of those who are interested in mining to effectually carry on this work.

Every member of the Congress should lend his help to the extent of securing one new member. For convenience, an application blank is printed below, and we respectfully and urgently ask each member to get a new application and send it in to the Secretary's office.

We appeal to you to co-operate with us by becoming a member. Remember, that if you are interested in this work, now is the time to help; do not wait until those who are now carrying the burden have become discouraged.

Sign the appended application blank and mail to

THE AMERICAN MINING CONGRESS,

1510 COURT PLACE, DENVER, COLORADO

AMERICAN MINING CONGRESS

APPLICATION FOR MEMBERSHIP

.....191.....

I hereby make application for membership in the AMERICAN MINING CONGRESS and agree, if accepted, to abide by the By-Laws, Rules and Regulations of said organization and to pay the dues required by same. Herewith find $15.00 membership fee, and $10.00 dues for one year from date. Total, **$25.00.**

RECOMMENDED BY NAME.....

.....OCCUPATION.....

APPLICATION APPROVED: P. O. ADDRESS.....

.....

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.....

Committee on Membership.

THE FORESTRY POLICY IN CONTESTING CLAIMS.

The Secretary is in receipt of the following communications from the Forester respecting the policy and procedure of the Department of Agriculture in the contesting of claims within the National Forests, and the agreement covering the same signed by the Secretaries of the Interior and Agriculture, on June 27. They are printed in full for general information:

Washington, July 1, 1910.

Mr. James F. Callbreath, Jr.,
Secretary, American Mining Congress,
Denver, Colorado.

Dear Sir:—

I enclose a copy of an agreement between the Secretaries of the Interior and Agriculture, which was signed June 27, and also a copy of the policy and procedure of the Department of Agriculture in claims cases in the National Forests, under the agreement reached between the two secretaries.

Very sincerely yours,
(Signed) W. W. DYAR,
Acting Assistant Forester.

Procedure in Contested Claims Cases on National Forests.

June 28, 1910.

To the District Foresters and District Law Officers:

1. It is not the purpose or intent of the Department to initiate contests against claimants who have entered lands in the National Forests in good faith to secure a home, or for other purposes recognized by law, and in such cases no contest should be initiated upon slight, technical non-compliance with the law. It is the purpose and intent, however, to protect the lands of the United States within the National Forests from acquisition by those who do not seek them for purposes recognized by law, and when it is apparent that an entry is not made or a claim initiated in good faith and in compliance with the spirit of the law under which the entry or claim is made but is believed to be a subterfuge to acquire title to timber land, or to control water, a water power site, or rights of way; or if it otherwise actively and materially interferes with the essential interests of the National Forest in that locality, a contest should be begun even if the technical requirements of the law appear to have been fulfilled. As to the mining claims, it should especially be borne in mind that good faith almost necessarily exists when the claims are located on untimbered and unwatered lands which control no means of access or rights of way.

It is necessary that the officers of the Forest Service who make an examination of claims to lands in the National Forests carefully consider all the circumstances surrounding the claim to the end that the good faith of the claimant may be determined. An adverse report on a claim should be so full and complete that the evidence when submitted to the Interior Department would prima facie warrant a cancellation of the entry.

2. When a thorough investigation of a claim has been made and the Supervisor decides that a contest should be initiated he will make a full report to the District Forester. If the District Forester approves the recommendation of the Supervisor he will refer the report to the District Law Officer for consideration of the sufficiency of the evidence. If the

District Law Officer is of the opinion that other and additional evidence is required, he will so advise the District Forester, who will take the necessary action to secure it. When the report is completed the District Forester will transmit it to the Forester, who will make his recommendation thereon and transmit all the papers to the Solicitor, who will make an examination of the case for the purpose of ascertaining the sufficiency of the law and evidence to sustain the contest and for the purpose of recommending to the Secretary the action to be taken thereon.

3. The reports of the Forest officers should be as full and complete as the facts of the case will permit and should include especially:

(a) A particular description of the land, its location, character, amount of timber, description of improvements; and if an agricultural claim its accessibility as a home, extent and nature of cultivation each year and periods of residence; if a mining claim, the nature and extent of work done, and, when the examination has been made by an expert miner, the nature and extent of mineral deposits.

(b) A digest of the testimony of witnesses and, where possible, the testimony of witnesses reduced to writing, signed, and verified by them.

(c) A full statement of the Forest officer showing facts in his knowledge and the sources from which derived. Facts, not opinion, are desired.

(d) A full statement of entryman or claimant should be procured if possible.

The foregoing specifications of evidence to be submitted are not exclusive of any other evidence pertinent and relevant to the case, the intent being that the report should be fair and sufficient in detail to enable the Department to determine whether a contest should be initiated.

4. Upon the determination of the Secretary as to the action required he will advise the Secretary of the Interior, and if a contest is necessary, he will indicate the charges upon which a hearing is requested and will transmit the report of the Forest officer to him with the request that action be taken.

5. When the District Law Officer is notified by the Register and Receiver of an order or application for a hearing the Law Officer will confer with the Chief of Field Division of the General Land Office for the purpose of fixing a date for hearing. The District Law Officer or his assistant will attend the hearing and assist the special agent of the General Land Office in the conduct of the hearing as directed by the joint order of the Secretary of Agriculture and the Secretary of the Interior of June 25. The District Law Officer will secure a copy of the testimony in each case at the expense of the Forest Service, will prepare a brief for the Department, which will be filed with the papers in the local Land Office and transmitted by the Register and Receiver to the Commissioner of the General Land Office, and a copy of the brief must be duly served on the claimant or his attorney by the Law Officer. The District Law Officer will send his copy of the testimony and a copy of the brief prepared by him to the Solicitor of the Department of Agriculture for use in the event additional action is desired by the Solicitor before the Commissioner of the General Land Office and for use in the preparation of appeals, if any, from the Decision of the Commissioner of the General Land Office.

(Signed).....
Forester.

(Signed).....
Solicitor.

Hearings and Appeals in Cases Involving Lands or Claims Within National Forests.

June 25, 1910.

To the Commissioner, Registers and Receivers, and Chiefs of Field Division, General Land Office, Department of the Interior; the Forester, District Foresters, and District Law Officers of the Department of Agriculture.

Gentlemen:

To better effectuate coöperation in protecting the interest of the Government and settlers and other claimants for lands within National Forests, the following orders are effective:

1. Forest Supervisors will submit all reports made by Forest officers to the District Forester, who, when satisfied with said reports, will transmit the same to the Secretary of Agriculture; the Secretary of Agriculture will forward such reports to the Secretary of the Interior. The Commissioner of the General Land Office will return said reports to the proper Chief of Field Division for notation upon his records and for his approval in the event he finds the same sufficient; and should the Chief of Field Division find such report insufficient to warrant proceeding to hearing or the taking of other appropriate action, he will return the same with endorsements, asking that the Department of Agriculture make such additional investigation as may be necessary, or in the event he deems it advisable he will cause an agent of the General Land Office to make such additional investigation.

2. Upon order or applications for hearings upon reports covering lands or claims within a National Forest, the Register and Receiver will send duplicate notices thereof to the Chief of Field Division and the District Law Officer. Before setting date for the hearing in any such case, the Chief of Field Division will confer with the proper District Law Officer and thereupon suggest to the Register and Receiver a date for hearing, and the names of witnesses to be subpoenaed upon behalf of the Government. In the event the Chief of Field Division and the District Law Officer are unable to agree as to the date of hearing, the matter will be referred by the Chief of Field Division to the Commissioner of the General Land Office, who will give the necessary direction in the premises.

3. In all hearings affecting lands or claims within a national forest, the Chief of Field Division or a special agent of the General Land Office, and the District Law Officer, or assistant District Law Officer, will be entered of record as appearing on behalf of the Government. The Chief of Field Division or special agent acting as attorney for the Government in any such case will control the Government's side of the case in any matter as to which counsel are unable to agree, subject to any direction that may be given by the Commissioner of the General Land Office, in case the matters of difference are of such importance as to be presented to him for action.

4. In all Government cases before Registers and Receivers involving lands or claims within a national forest the Chief of Field Division and the District Law Officer shall each be served with notice of all motions, orders and decisions required to be noticed under the rules in cases of private contests. The proper law officers of the Department of Agriculture shall also have a right of appeal from any decision by the Commissioner of the General Land Office, and to file motion for review in the Department, or take other like action in the same manner as a private contestant; and shall receive like notice of proceedings and decisions.

5. Costs incident to hearing before Registers and Receivers in Government cases involving lands or claims within a national forest will be paid under rules now in force. Expenses incident to appeals will be paid by the Department of Agriculture; except that, where feasible, Chiefs of Field Division may give aid in office work in preparation of papers, briefs, etc.

Very respectfully,

(Signed) R. A. BALLINGER, Secretary of the Interior.
(Signed) JAMES WILSON, Secretary of Agriculture.